

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT BURRELL,

Plaintiff,

Civ. No. 10-2706 (DRD)

v.

ORDER

DFS SERVICES, LLC, ET AL.,

Defendants.

This matter having come before the Court on a motion submitted by Defendants, DFS Services, LLC (“Discover”) and Helio, LLC, to dismiss the claims asserted against them by Plaintiff, Robert Burrell, pursuant to Federal Rule of Civil Procedure 12(b)(6); and the Court having considered the submissions and oral arguments of the parties; and for the reasons set forth in the Opinion of even date;

IT IS on this 6th of December, 2010, hereby ORDERED as follows:

- (1) Defendants’ Motion to Dismiss is GRANTED in part and DENIED in part;
- (2) Mr. Burrell’s claims under the Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(a), are DISMISSED with prejudice;
- (3) Mr. Burrell’s claims under the Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b), are DISMISSED without prejudice. Mr. Burrell may submit an Amended Complaint within 30 days of the date of this Order curing, if he is able to do so, the defects in those claims;

(4) Mr. Burrell's state law claims are DISMISSED in their entirety with prejudice; and

(5) Mr. Burrell's claims under the Fair Credit Billing Act, 15 U.S.C. 1666, may proceed to the extent that they are based on charges made to his accounts during the period beginning 60 days prior to the date on which he submitted a written "Affidavit of Fraud" to Discover.

s/ Dickinson R. Debevoise
DICKINSON R. DEBEVOISE, U.S.S.D.J.